

HB 1753 -- Small Businesses

Sponsor or Co-Sponsors: Representatives Gratz, Whorton, and Shoemaker

Same as or similar to: Year:

Emergency Clause: or Effective Date of:

Use Summary For: Version:, Year:,

Verbatim:

Modify above as follows:

New summary as follows:

The bill defines four new terms: "affected small business" or "affects small business", "agency", "board", and "small business".

The bill states that, prior to submitting proposed rules for adoption, amendment, revision, or repeal, the agency will determine whether the proposed rules affect small business. If they do, the agency must consider the practicality of less restrictive alternatives that could be implemented to achieve the same results as the proposed rule. If the proposed rules affect small business, the agency must consider creative, innovative, or flexible methods of compliance for small businesses and prepare a small business impact statement which will be submitted with the rules to the board prior to providing notice of a public hearing. The bill outlines the requirements of the impact statement.

These requirements will not apply to certain proposed rules adopted by an agency. Specifically, it will not apply to federally mandated regulations which afford the agency no discretion to consider less restrictive alternatives.

For any proposed rules that affect small business, the agency will also submit a small business statement to the board after a public hearing is held. The bill outlines the requirements of this statement.

The bill establishes the "Small Business Regulatory Fairness Board", which will be a Type I Agency within the Department of Economic Development. The bill requires that the Department provide staff for the board. The bill outlines the board's responsibilities as well as the members of the board.

The bill allows any affected small business to file a written petition with the agency that has adopted the rules, including rules adopted prior to the bill's effective date. The bill explains on what grounds a rule can be objected to. Upon submission of a written petition, the agency must forward a copy of the petition to the board and the Joint Committee on Administrative Rules. Within 60 days of the receipt of the petition, the agency will determine whether the impact statement or public hearing addressed the actual and significant impact on

small business and will submit a written response of the agency's determination to the board. Any small business may appeal the agency's determination to the board. The bill outlines the reasons on which the board may base its decision regarding a small business' appeal of the agency's determination.

The bill requires each agency to submit to the General Assembly and the board, by June thirteenth of each odd-numbered year, a list of all rules which affect small business, a report describing the specific public purpose or interest for adopting each rule and any other reasons that justify its continued existence. The General Assembly may take such action in response to the report as it finds appropriate.

The bill requires the board to provide to the head of each agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns. Forty-five days after being notified by the board of these rules, the agency is required to submit a written report to the board in response to the complaints or concerns. The board may solicit testimony at public meetings regarding any report submitted by an agency. The bill requires the board to submit an evaluation report to the Governor and the General Assembly regarding these issues.

The bill outlines occasions when an agency will waive or reduce

any administrative penalty or administrative fine for violation of any statute, ordinance, or rules by a small business.

Alice